

## Open Agenda

Copy No:

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### Memorandum for Executive Council

#### SUBJECT

#### Development Application: Partial Demolition and Erection of Single Storey Building to Provide Improved Facilities to Judicial Buildings, Grand Parade

Memorandum by the Chief Secretary

#### ADVICE SOUGHT

1. **Executive Council is asked to consider and advise whether Full Development Permission should be granted, with Conditions, for the partial demolition and erection of single storey building to provide improved facilities to Judicial Buildings, Grand Parade.**

#### BACKGROUND & CONSIDERATIONS

2. At the Land Development Control Authority meeting held on 8 October 2020, the development application seeking FULL Development Permission for the Partial Demolition and Erection of a Single Storey Building to Provide Improved Facilities to Judicial Buildings, Grand Parade was discussed and the Authority raised no concern in respect of the proposed development and in recommending to the Governor-in-Council to Grant Development Permission, subject to conditions as set out in Section D of the report in Annex A and as set out in the Decision Letter in Annex B.
3. In accordance with the directions issued by the Governor-in-Council to the Chief Planning Officer on 17 April 2014 under Section 23(1) of the Land Planning and Development Control (LPDC) Ordinance, 2013, the Chief Planning Officer is required to report on all applications for Development Permission which are capital programme projects
4. A copy of the directions is attached at Annex C for easy reference.
5. **Section 17 (a)** of the LPDC Ordinance reads:

A grant of Development Permission may be of either of the following types:-

(a) outline development permission, the effect of which is to give approval in principle to the proposed development which is the subject of an application, but not to permit (except to the extent, if any, allowed by conditions attached to the permission) commencement of development to take

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place; or

(b) full development permission, the effect of which is to permit the development, subject to the terms and conditions of the grant, of full development permission.

### 6. PLANNING POLICY

- a. The proposed development is assessed against the LDCP Policies set out below:
  - i. Intermediate Zone: Policies IZ1(a, b and g)
  - ii. Sewage, storm and Drainage: Policies SD1(b, c) and SD7
  - iii. Built Heritage Policies: BH1 (c), BH.2, BH.3, BH.4, BH.5
- b. The proposed development meets with the objectives of all these listed LDCP policies. The assessment of design details, both internal and external, against the Built Heritage Policies is particularly important. It is unfortunate that two of the windows in the rear elevation will be enclosed by the extension. The proposal is not to “brick-up” the window opening, but to retain the windows as they are and to install blinds to block the looking-into the Court Room.
- c. Whilst the Castle Memorial Garden is only proposed for listing in the formulation of the Historic Environmental Records (HER), however as the Garden occupies a strategic position within the proposed Jamestown Conservation Area, and this is a more appropriate consideration for its inclusion in the Land Development Control Plan which sets out policies and land-use designations and was subject to public consultation before it was adopted in 2012. The HER is still only in some form of an early draft and has not been subject any public or stakeholder consultation. The demolition of the small rear extension and the construction a larger single storey building and the other improvements to the rear elevation are considered to provide considerable enhancement to the elevation of the historic buildings from the Garden.

### 7. THE PROPOSAL

- a. The proposal is to partially demolish the two small single storey lean-to rear buildings and the erection of a single storey extension to provide service rooms and toilet facilities for the Judicial Building. The proposal also includes disabled access to the buildings and internal

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refurbishment of the building which includes improved accessibility to enable users with disabilities to be better facilitated in these civic buildings. The application further includes improvement to the rear of the building, used as a library, and disabled access to the rear of the building (previously the Police Station). The new bigger extension and internal alterations will provide offices and service rooms for judicial use.

- b. The development application is the second phase of the proposed improvement and refurbishment works to these buildings. The previous development application was approved during 2019 following lengthy deliberation, ExCo Memo 55/2019 refers (LDCA Ref: 2019/56). That application related to the internal alterations to the part of the building previously used as the Police Station and now forming part of the expanded judicial use of these buildings. The alterations approved are currently being implemented. This development application is therefore seeking to deliver the next stage of the project to provide improved facilities for the Judicial Services, the Court, the officers and the public with office for the Magistrates, the Jurors and office for the Crown Coroner.

## **8. OFFICER ASSESSMENT**

### **LOCALITY & ZONING**

- a. The development site is at the Former Police Station, Judiciary and Civic Building in a block referred to as the Grand Parade in Lower Jamestown, Diagrams 1 and 2 in Annex D. The application site is within the Intermediate Zone and Jamestown Conservation Area. The development is at the rear of the building which is within the Castle Garden complex. The buildings are listed Grade I and back on to the Castle Memorial Garden that is also proposed for listing in the Historic Environment Records (HER). Whilst the main elevation facing the Parade is of considerable architectural design and details and very much reflective of its period of construction and at the rear the original building follows some of the design and details of the front elevation. Over the years, this has been much altered with the erection of small extensions which are not in keeping with design and details of the original building. These extensions, irrespective of their design, appearance or quality of construction, form part of the listed building and must be treated similarly.

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### THE PROPOSAL

- b. The proposal is to partially demolish the two small single storey lean-to rear buildings and to erect a larger single storey extension of around 10m in length and projecting just over 3.7m. The building will include a lean-to roof with the height of the building to the eaves being 2.69m and 3.5m at the connection to the main building, see Diagrams 3 and 4 in Annex D. The windows in the rear elevation will be to match the style and be of horizontal design to match the original windows. The rear of the building will be wheelchair accessible and the alteration will include wheelchair access into the Court Room. The extension will provide service rooms and toilet facilities for the Judicial Building. The proposal also includes internal refurbishment of the building which includes approved accessibility to enable users with disabilities to be better facilitated in these civic buildings. The application further includes improvement to the rear of the building, used as a library, and disabled access to the rear of the building (previously the Police Station). The new bigger extension and internal alterations will provide offices and service rooms for the judicial uses.
- c. The original proposal submitted included a ramp for the wheel chair access from the extension to the Court Room and the office due to the differences in level, however following discussion with the applicant and due to the restricted space available in the Court Room for ramp to meet the required regulated gradient, the proposal was amended to a same level access between the two buildings, with the rear building floor level being lowered to match the floor level in the Court Room and the Judicial Offices, see Diagrams 5 and 6 Annex D. This does not impact the design of the new rear building, however it would be a more acceptable design solution with least disruption to the integrity of the main building.
- d. To comply with requirement of the previous development permission granted for the former Police Station, the rear of this building will also include disabled access with the installation of a stair lift over the steps and a pathway for safe access for the wheel chair users between the two buildings. The rear of the former station building includes a Jury Room and its operation is linked with the Court Room.
- e. Following discussions with the applicant to address the safety and security issues at the rear of the buildings, the work also now includes improvement to the small buildings

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at the rear of the library which are used by gardeners tending the Castle Memorial Garden. These buildings provide a number of blind spots and hidden spaces and the area will now be enclosed by construction of a wall, a door and roofed over to provide secured storage space for the workers and will also upgrade the toilet and wash facilities; see Diagram 7 in Annex D.

- f. The external appearance and finish of the building will be to match that of the original building and similar roof material.

### 9. PREVIOUS DEVELOPMENT APPLICATION

- a. Other than the development application in 2019, there was also a development application in 2017 seeking outline permission in principle for the proposed alterations and refurbishments to these Judicial and Civic Buildings, Reference 2017/96. The application included indicative proposals only in order to seek funding through EDIP. The permission granted in respect of this development application has now lapsed. One of the conditions required the proposed design for the extension to be endorsed by the Saint Helena National Trust and the Heritage Society. However, as the permission has lapsed, it is now considered that there is no requirement for the applicant to comply with this condition and a full development application cannot be made against this consent. Secondly, the applicant has not based its development application seeking full permission in respect of the Outline Permission. The proposed development is also considered to be different from the original proposals granted outline permission in February 2018.

### 10. REPRESENTATION

- 10.1 During the consultation on the development application, a representation was received from the Heritage Society to the overall proposal, the details and the process. This representation is summarised below:
  - a. compliance with condition 3 of the Outline Development Permission granted by the Governor-in-Council on 23 February 2018 that requires endorsed by SHNT and Heritage Society to meet objectives of Policy BH1 prior to seeking Planning Application,
  - b. demonstrates little or no concern to design process making alterations to a Grade I listed building in the Conservation Area;
  - c. blocking of main windows of the Court House at the rear elevation into the Gardens;

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- d. information on the building is incomplete or inaccurate;
- e. information is crucial as disabled access via a ramp and chair lift, eats into the existing building is not practical;
- f. little or no consideration given to the effects on East India Company gardens or Court House of eighteenth century EIC architectural;
- g. lack of consideration is exemplified by portrayal of incorrect number of panes on the existing Court House windows;
- h. project designed around disabled access provision appears to be unworkable, building comprises existing courtroom and meeting room has one floor level and the proposed extension is higher and link routes from courtroom and meeting room must have the same rise.
- i. drawings indicate a height discrepancy of 700mm;
- j. court room ramp is an unworkable design as the ramp continues around right-angled corner which is physically impossible; and
- k. other issues related to development application form
- l. Historic Building Impact Assessment or EIA to be produced as part of design process, similar to Main Street hotel project as affecting listed buildings and same legislation exists today;
- m. good reason to conduct an Historic Building Impact Assessment for Court House, Grade I listed and proposal is extended into historic Castle Garden which is proposed as grade I listed in the Historic Environment Record; and
- n. British Napoleonic Bicentenary Trust proposes a pathway linking the Castle, Ruperts “Slave Station” and the restored Balcombe’s slave house, the Court House also has strong significance to slave history;

## 11. OFFICER RESPONSE

### 11.1 Assessment of the issues raised in the representation are:

- a. the 2017 Outline Development Permission has lapsed and therefore compliance with condition requiring endorsement from SHNT and Heritage Society does not apply any longer;
- b. the applicant contacted Heritage Society for advice prior to formulating the proposal, however the response received by the applicant to their approach from the representative of the Heritage Society was not amicable.
- c. importance of the building’s heritage and architectural design is recognised, however to make the buildings accessible for the users some of the changes being proposed are necessary to meet with the requirements for the building, reference to the building as Court Room or it use for

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- judicial/civic function does not affect or change the importance of the buildings, its heritage or its continued use;
- d. rear of the building or extension into Castle Garden does not have an adverse impact on the importance of the garden nor its quality or setting in this corner of the garden.
  - e. details of access and ramp into the Court Room from the proposed extension would normally be dealt with at the Building Control stage, however as this impacts a listed building this needs to be dealt with at development application stage, in principle proposals are acceptable, however it could benefit with more detailed drawings;
  - f. potential impact on the space in the Court Room and alterations necessary to the fabric of building can be dealt with an appropriately worded condition to overcome concerns and details would need to meet Building Regulations requirements; the modifications proposed provides a better solution
  - g. the alteration and extension proposed do not require an Historic Building Impact assessment or an EIA report, the proposed demolition and a replacement building is more in-keeping with the rear elevation than the current buildings.
  - h. issues raised regarding the historic importance of the building and its relationships to the historic events and heritage of the island remains unaltered by these proposals and the issues regarding the details included in development application and accuracy of the descriptions and uses have no material impact on the proposals for development permission.

## 12. OFFICER ASSESSMENT OF THE DEVELOPMENT

- a. The application site consisting of these listed buildings form an important backdrop to the Proposed Jamestown Conservation Area and also provide an important civic function for the Island. Their continued use for judicial and civic purposes requires these buildings to be accessible to all users, both officers and members of the public alike. The alterations proposed have been assessed against the policies and it is considered the historic and architectural integrity of the Listed Building is not being compromised and the improved accessibility of the building for all users, in particular making these public buildings wheel chair accessible will be an achievement. The proposals are in compliance with LDCP policies. Through discussion with the applicant, the modification in the design has overcome any potential problems that may have been forthcoming in the implementation to comply with Building Regulation requirement.

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b. The LDCA has raised no issues in respect of this development application and supports the recommendation to the Governor-in-Council to Grant Development Permission subject to the conditions set out in the Annex B

13. Executive Council acts as the Planning Authority in this case.

### **ECONOMIC IMPLICATIONS**

14. The delivery and implementation of the development will promote growth in the construction sector and will contribute toward economic growth and prosperity.

15. The refurbishment project will ensure that an historic building remains in viable use that will ensure its future and contribute to the economic well-being of the Island through jobs in the construction sector.

### **CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES**

16. The development and delivery capital programme for the refurbishment of this building is consistent with the Investment policy.

### **PUBLIC/SOCIAL IMPACT**

17. Ensuring that historic building and building providing a civic function has improved access for all users creates a positive social impact for the Island and the development makes a positive contribution to wider visual enhancement in the landscape.

### **ENVIRONMENTAL IMPACT**

18. This development application proposes modifications to a Grade I Listed Building. However there will be no impact on the frontage of the building and the overall impact from the modifications at the back should not be significant as it is in part the replacement of existing structures that will only be viewed from within the Castle Gardens. The proposed modifications will improve the functionality of the building which should also help to ensure its continued use and overall preservation.

### **PREVIOUS CONSULTATION/ COMMITTEE INPUT**

19. The development application was advertised for a period of 14 days to seek comments from the community and stakeholders on the development proposal.

20. Key Stakeholders have responded and representations received from the Heritage Society are set out in Sections 10 and 11 of this Memorandum and were fully considered by LDCA in its report.

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| <b>PUBLIC REACTION</b>                                     | 21. There was no representations received from the general public. Due to the area of the proposed works, the Public will have clear sight of the works taking place when in the Castle Gardens and should therefore be updated upon start of works, during works, and upon completion |
|  | 22. This could possibly generate public and media interest once the refurbishment works are completed and the building open and in use.  |
| <b>PUBLICITY</b>   | 23. ExCo's decision will be included in the radio briefings following the meeting.   |
|  | 24. Working with the PMU, Press Releases should be issued once work commences, during works, and again upon completion of works  |
| <b>SUPPORT TO STRATEGIC OBJECTIVES</b>                     | 25. This development supports Strategic Objective 1.1 – 'Ensure effective investment in physical infrastructure'.  |
| <b>LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS</b> | 26. Goals 7 and 10 of the SEDP is to improve public infrastructure, to provide an environment within civic buildings of historic and heritage importance.  |
| <b>IMPLEMENTATION OF POLICY/ LEGISLATION</b>               |  |
| <b>OPEN/CLOSED AGENDA ITEM</b>                             | 27. Recommended for the Open Agenda.   |

SOB

Corporate Support  
Corporate Services

*10<sup>th</sup> November 2020*

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